**HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE**

**AND**

**HON'BLE SRI JUSTICE G. BHAVANI PRASAD**

**WRIT PETITION No. 5633 OF 2005**

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**Between:**

G. Janardhan Rao through LRs

**……Petitioner**

**And**

The Debts Recovery Tribunal,

Represented by the Presiding Officer,

At Isnar Khazana Towers,

Dwarakanagar, Visakhapatnam and

three others

**……Respondent**

**:: ORDER ::**

Counsel for the Petitioner : Sri M.V. Durga Prasad

Counsel for Respondent No.2 : Sri K. Mallikarjuna Rao

Counsel for Respondent No.4 : Sri V.S.R. Anjaneyulu

Counsel for Respondent Nos.1 and 3 : None

**Dated: 23-03-2006**

**Per G.S. SINGHVI, CJ**

Feeling dissatisfied with the alleged refusal of Debts Recovery Tribunal, Visakhapatnam to grant stay pending M.A Nos.17, 18 and 19 of 2005 in R.P No. 93 of 2002 in O.A No.905 of 1999, Sri G. Janardhan Rao filed this petition under Article 226 of the Constitution of India.

During the pendency of the writ petition, Sri G. Janardhan Rao died and his representatives have been brought on record as petitioner Nos.2 and 3.

We have heard the learned counsel for the parties at length and perused the record.

After arguing the case, learned counsel for the petitioners submitted that his clients will feel satisfied if the Court gives a time bound direction to the Hyderabad Bench of the Tribunal to hear and dispose of M.A Nos.17, 18 and 19 of 2005 along with review applications and in the meanwhile, respondent No.4 is restrained from

alienating the property purchased by her in the auction sale.

Learned counsel for respondent No.2 – Bank says that his client will have no objection if a time bound direction is given to Hyderabad Bench of the Tribunal to decide the matter.

Sri V.S.R. Anjaneyulu, learned counsel for respondent No.4 says that his client shall not alienate the property to any other person if the applications filed by late Sri G. Janardhan Rao are decided by Hyderabad Bench of the Tribunal within the time specified by the Court.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

i. The record of the Tribunal summoned by this Court shall be remitted to the Hyderabad Bench of the Tribunal within a period of seven days from today.

ii. All the parties shall, either personally and/or through their representatives appear before the Hyderabad Bench of the Tribunal on 10-04-2006 and produce a copy of this order.

iii. Within next three months, Hyderabad Bench of the Tribunal shall finally dispose of M.A Nos.17, 18 and 19 of 2005 and review petitions filed by late
Sri G. Janardhan Rao.

iv. The Tribunal should not entertain any unreasonable request for adjournment which may be made by either of the parties. In any event, the Tribunal is required to dispose of miscellaneous applications and review petitions within the outer limit of three months commencing from 04-10-2006.

**G.S.SINGHVI, CJ**

**G.BHAVANI PRASAD,J**

23-03-2006

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